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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,383	06/12/2006	Jean-Marie Vau	86854WRZ	5926

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EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER	
PRABHAKHER, PRITHAM DAVID	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,383	VAU ET AL.	
	Examiner	Art Unit	
	PRITHAM PRABHAKHER	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,12-18 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,12-18 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/12/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-9, 12-18 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 12-13, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsubaki et al. (US Pub No.: 2002/0101619A1).

*In regard to **Claim 1**, Tsubaki et al. disclose a method of enhancing a digital image with contextual data (Digital image captured is linked to information from car navigation apparatus 500, **Figures 11-20**), the digital image captured by a camera in a use environment of the camera (The digital camera 400 is used to capture images in its environment, **Figure 11 and Paragraph 0139**), and the method comprising:*

*searching, in the camera's use environment (environment where camera is present or located), for a local distribution data transmitter (Camera 400 searches car navigation apparatus 500 to communicate with it, **Figure 11, Paragraphs 0142 and 0159**);*

establishing communication with the transmitter present in the communications environment (Communication is established between the camera 400 and car navigation apparatus 500),

receiving contextual data transmitted by the transmitter (The digital camera 400 receives GPS data from 500, ***Paragraph 0140-0146****),*

identifying a validity duration associated with the contextual data (Reception time associated with information from 500, ***Paragraph 0183****),*

identifying a time when the digital image was captured by the camera (Photographed time, ***Paragraph 0183****),*

linking at least part of the contextual data (GPS Data) to image data (image captured by camera) relating to the captured digital image if the time when the digital image was captured falls within the validity duration ***(Paragraph 0183)****.*

With regard to ***Claim 2****, Tsubaki et al. disclose a method according to claim 1, wherein the linking follows a picture-taking release, for image data capture (The positional/GPS information is linked with the image data following the release of button 406 which is used to photograph the subject,* ***Paragraphs 0146, 0164 and 0181)****.*

Regarding ***Claim 3****, Tsubaki et al. disclose a method according to claim 1, wherein at least the searching and establishing takes place in a standby phase preceding a picture-taking release (The searching and establishing of communication*

between the camera 400 and navigation apparatus 500 occurs before a picture taking release, ***Figures 19-20; Paragraphs 0140-0146; 0171-0181)****.*

In regard to ***Claim 4****, Tsubaki et al. disclose a method according to claim 1, wehrein the searching, establishing, or receiving takes place in a standby phase following a picture-taking release* ***(****After the picture taking release, the camera can enter another mode in which it searches, establishes or receives,* ***Figure 20)****.*

With regard to ***Claim 5****, Tsubaki et al. disclose a method according to claim 1, wherein the linking is concomitant with a picture-taking release* ***(Paragraph 0146)****.*

Regarding ***Claim 6****, Tsubaki et al. disclose a method according to claim 1, wehrein the linking is delayed compared with a picture-taking release* ***(Paragraph 0146)****.*

With regard to ***Claim 7****, Tsubaki et al. disclose a method according to claim 1, wehrein the searching comprises detection of carrier waves capable of coming from local distribution data transmitters, and identification of communication protocols used in said transmitters (Both devices have built in antennas for radio communication,* ***Paragraph 0142)****.*

*With regard to **Claim 9**, Tsubaki et al. disclose a method according to claim 1, wherein the establishing comprises sending of a program code to the local distribution data transmitter, to cause the sending by this transmitter of the contextual data (The digital camera 112 sends a connection request (S112) to the navigation apparatus to connect thereto for communication and transmission of the contextual data, **Paragraphs 0172-0173 and Figure 19**).*

*Regarding **Claim 12**, Tsubaki et al. disclose a method according to claim 1, wherein the linking comprises saving of the contextual data as metadata linked to the image data **(Paragraph 0164)**.*

*In regard to **Claim 13**, Tsubaki et al. disclose a method according to claim 1, wherein the linking comprises linking to the image data of a pointer pointing to the contextual data stored in a database. Tsubaki discloses that the digital camera can be in communications with a database **(Paragraph 0189)**. The camera links image data (patient ID information) with an image of a patient. The image/patient ID/data is acquired using a reader (pointer) and this is stored in a computer and transferred to the digital camera, **Abstract and Paragraphs 0185-0191**.*

*Regarding **Claim 18**, Tsubaki et al. disclose a method according to claim 1, further comprising reading the image data and contextual data, searching for multimedia data by using the contextual data as a pointer, and simultaneous reproduction of*

multimedia content corresponding to the multimedia data and the image corresponding to the image data (Tsubaki discloses that the digital camera can be in communications with a database ***(Paragraph 0189)****. The camera links image data (patient ID information) with an image of a patient. The image/patient ID/data is acquired using a reader (pointer) and this is stored in a computer and transferred to the digital camera,* ***Abstract and Paragraphs 0185-0191****. The multimedia data and the image are reproduced (displayed),* ***Paragraph 0191****.*

With regard to ***Claim 21****, Tsubaki et al. disclose the method of claim 1, wherein the validity duration is identified from a type of device the contextual data comes from (Reception time is stored when the location information is stored in the memory 442 so that the location information can be determined to be available if this time is within a specified range from the photographed time,* ***Paragraph 0183)****.*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubaki et al. (US Pub No.: 2002/0101619A1) in view of Berstis (GB 2347834A).

*In regard to **Claim 8**, Tsubaki et al. disclose a method according to claim 1, wherein the establishing comprises an interrogation of a local distribution transmitter as disclosed above in claim 1. However, Tsubaki et al. do not disclose an interrogation of multiple local distribution transmitters. Berstis discloses two devices communicating with each other. A digital camera can request data from another device (GPS system) which in turn sends the data to the digital camera. The digital camera is capable of not just interrogating with one local transmitter, but it can interrogate between multiple local devices (transmitters) for exchanging data, **Abstract; Page 8, Lines 21-29; Page 10, Lines 9-17; Figures 3-5 of Berstis**. It would have been obvious and well-known to one of ordinary skill in the art at the time of the invention to enable an interrogation of multiple local distribution transmitters as disclosed by Berstis into the teachings disclosed by Tsubaki et al., because this enables more data and information to be transferred to the camera which can then be appended to a captured image. This in turn increases the amount of descriptive information on the captured image.*

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubaki et al. (US Pub No.: 2002/0101619A1) in view of Braun et al. (US Patent No.: 708244B2).

*In regard to **Claim 14**, Tsubaki et al. disclose a method according to claim 13, wherein the linking comprises saving of the contextual data in a database and the link to the contextual data of a coded graphic array can be used as a pointer. Tsubaki discloses that the digital camera can be in communications with a database **(Paragraph 0189)**. The camera links image data (patient ID information) with an image of a patient. The image/patient ID/data is acquired using a reader (pointer) and this is stored in a computer and transferred to the digital camera, **Abstract and Paragraphs 0185-0191**. However, Tsubaki et al. do not disclose that the coded graphic array (barcode) is read using a digital pen scanner. Braun et al. disclose using a digital pen to scan a barcode to acquire information, **Column 5, Lines 22-23 of Braun et al.**. It would have been obvious and well-known to one of ordinary skill in the art at the time of the invention to incorporate a digital pen for the scanner disclosed by Tsubaki et al., because a digital pen is a device that can be used to capture information using a sensor and its small size enables it to be easy to use.*

*With regard to **Claim 15**, Tsubaki et al. and Braun et al. disclose a method according to claim 14, further comprising saving the coded graphic array data with the image data. Tsubaki discloses a camera 30 that is in communication with other devices including a database **(Figure 21 of Tsubaki et al.)**. The camera links image data (patient ID information) with an image of a patient. The image/patient ID/data is acquired using a reader (pointer) and is stored in a computer and transferred to the camera **(Paragraphs 0185-0191 of Tsubaki et al.)**.*

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubaki et al. (US Pub No.: 2002/0101619A1) in view of Braun et al. (US Patent No.: 708244B2) as applied to claims 14 and 15 above, and further in view of Miller (US Pub No.: 2005/0041120A1)

*With regard to **Claim 16**, Tsubaki et al. and Braun et al. disclose a method according to claim 14, further comprising combined printing of an image from the image data and a coded graphic array from the coded graphic array data. Tsubaki et al. disclose that information added to the image can be printed **(Figure 8 and Paragraph 0129 of Tsubaki et al.)**. However, Tsubaki et al. and Braun et al. do not disclose printing the combined image and the coded graphic array (barcode). Miller discloses printing an image along with a barcode/coded graphic array, **Figure 3 and Paragraphs 0034 to 0037 of Miller**. It would have been obvious to one of ordinary skill in the art at the time of the invention to be able to incorporate into the teachings disclosed by Tsubaki et al. and Braun et al. the ability to print out the barcode along with the image as disclosed by Miller, so that the data can be associated with the current captured image on a hard copy such as paper.*

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsubaki et al. (US Pub No.: 2002/0101619A1) in view of Steensma (US Pub No.: 2004/0135902A1)

*In regard to **Claim 17**, Tsubaki et al. disclose transmitting contextual data to the digital camera and linking it with the captured image as disclosed above in claim 1. However, Tsubaki et al. do not explicitly disclose a method according to claim 1, wherein the contextual data contain at least one uniform resource locator address (URL). Steensma teaches of an image and data association system that automatically associates a digital image with data identifying a person whose image is taken. A digital camera is used to take an image of an attendee at a large promotional event attended by hundreds or thousands of persons. When the image is taken, an operator provides a unique identifier, such as a barcode, an RFID tag, or an OCR tag to the person whose image is taken. The unique identifier is then scanned into the computer, and the computer automatically associates the unique identifier with the image. The process may also be used to add promotional items to the image before it is retrieved by the person whose image was taken **(Abstract of Steensma)**. In addition to adding data to the image, a URL may be added to the image as well, **Paragraph 0046 of Steensma**. It would have been obvious and well-known to one of ordinary skill in the art at the time of the invention to include a URL as metadata to an image, because it is a means of providing a link for accessing a website that could have more information on an image to be captured.*

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRITHAM PRABHAKHER whose telephone number is (571)270-1128. The examiner can normally be reached on M-F (7:30-5:00) Alt Friday's Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pritham David Prabhakher
Patent Examiner
Pritham.Prabhakher@uspto.gov
/Pritham Prabhakher/
Examiner, Art Unit 2622

/Jason Chan/

Supervisory Patent Examiner, Art Unit 2622